



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8
I hereby certify that this correspondence is being deposited
with the United States Postal Service with sufficient postage as
First Class Mail in an envelope addressed to Commissioner for
Patents, Washington, D.C. 20231 on December 12, 2002.

Gunther O. Hanke, Reg. No. 32,989

PATENT

#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of) Examiner: A. Ragonese
)
Inventors: Simhambhatla et al.) Group Art Unit: 3749
)
Serial No.: 09/713,384) Docket No.: ACSC 60540 (1618P)
)
Filed: November 14, 2000)
)
For: **DIMENSIONALLY STABLE AND**)
GROWTH CONTROLLED)
INFLATABLE MEMBER FOR A) December 12, 2002
CATHETER)

FAX RECEIVED

DEC 26 2002

GROUP 3700

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action of September 12, 2002 received in the above-referenced patent application, consideration of the following remarks and reconsideration of the patent application is respectfully requested. Claims 9-16 and 21 remain pending.

Claims 9-12, 15, 16 and 21 were rejected under 35 U.S.C. §102(b) as anticipated by Weber et al. (U.S. Patent No. 5,759,172). The reference is directed to a catheter having a lobed balloon wherein sections of high compliance are combined with sections of low compliance. Upon inflation, the sections of high compliance define expanded lobes while the sections of low compliance define channels therebetween. With regard to the rejection of claim 9, it is respectfully submitted that the

cited reference makes absolutely no suggestion that the balloon is to exhibit two stage compliance wherein a compliance within a first pressure range allows the balloon to expand to a desired working diameter while substantially less compliance is exhibited at higher pressures. It is respectfully submitted that merely the inclusion of cross-linked sections in a balloon as described at column 4, lines 28-38 of the reference would not necessarily yield such two stage compliance, let alone that the transition from higher compliance to lower compliance would occur at the desired working diameter. It is therefore respectfully submitted that anticipation of claim 9 is effectively precluded. Moreover, because the reference merely teaches the use of a combination of high compliance and low compliance materials, it is respectfully submitted that a balloon that exhibits a **change** in compliance cannot be considered obvious thereover.

With regard to the rejection of independent claim 10, it is respectfully submitted that the claim clearly requires the longitudinally extending stiffening zones to expand **with** the adjacent portions of the balloon to form a substantially **cylindrical** shape. In stark contrast thereto, the cited reference clearly teaches away from such a stiffening configuration as the stiff sections 16 of the reference are configured not to expand or to expand only minimally so as to yield a lobed balloon. It is therefore respectfully submitted that anticipation as well as obviousness is avoided by claim 10 and all claims depending therefrom.

With regard to the rejection of claim 21, it is respectfully submitted that the cross-linked material described by the cited reference forms **sections** of the balloon (column 4, lines 28-31), rather than a coating **on** the balloon to effectively avoid anticipation. In view of the failure of the

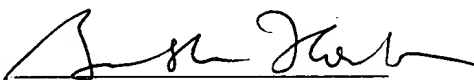
reference to suggest the use of coatings of any kind to control the dimensions of the balloon, let alone its axial growth, it respectfully submitted obviousness is similarly avoided.

Claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as obvious over Weber et al. in view of Chen et al. (U.S. Patent No. 5,565,523). In view of the non-obviousness of underlying independent claim 10 as argued above, it is respectfully submitted that any claims depending therefrom are similarly non-obvious.

In light of the above amendments and remarks, applicants earnestly believe the application to be in condition for allowance and respectfully request that it be passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 

Gunther Hanke

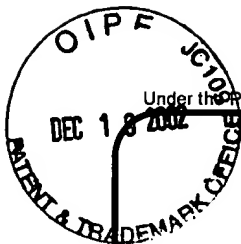
Registration No. 32,989

GOH:psm

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Phone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No.: 24201

259002.1

3749




Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

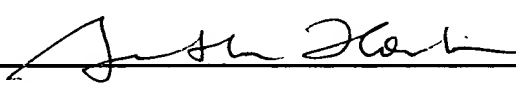
PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>	Application Number	09/713,384
	Filing Date	11/14/2000
	First Named Inventor	Murthy V. Simhambhatla
	Group Art Unit	3749
	Examiner Name	A. Rogonese
Total Number of Pages in This Submission 4		Attorney Docket Number ACSC 60540 (1618P)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard
Remarks <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		 24201 PATENT TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	FULWIDER PATTON LEE & UTECHT, LLP Gunther O. Hanke, Esq., Reg. No. 32,989
Signature	
Date	December 12, 2002

RECEIVED
 DEC 26 2002
GROUP 3700

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>12/12/2002</u>			
Typed or printed name	Gunther O. Hanke, Esq., Reg. No. 32,989		
Signature		Date	12/12/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.